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7                   UNITED STATES OF AMERICA,  
8                   Plaintiff,  
9                   v.  
10                  ERIC SMITH,  
11                  Defendant.

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13                  Case No. [15-cr-00041-CRB-1](#) (JSC)

14                  **DETENTION ORDER**

15                  On January 5, 2015, Defendant Eric Smith was charged by federal complaint with a  
16 violation of 21 U.S.C. § 846, conspiracy to possess with intent to distribute a controlled substance,  
17 and 21 U.S.C. § 841(a)(1) and (b)(1)(C), possession with intent to distribute a controlled  
18 substance. Mr. Smith was subsequently indicted for these same charges on January 20, 2015.  
19 This matter came before the Court on January 16, 2015, for a detention hearing. Mr. Smith was  
20 present and represented by Richard Mazer. Assistant United States Attorney Michael Maffei  
21 appeared for the Government.

22                  Pretrial Services submitted a report that recommended detention, and a representative of  
23 Pretrial Services was present at the hearing. The Government moved for detention, and Defendant  
24 opposed. Proffers and arguments regarding detention were submitted by the parties at the hearing.

25                  Upon consideration of the facts, proffers and arguments presented, and for the reasons  
26 stated on the record, the Court finds by clear and convincing evidence that no condition or  
combination of conditions will reasonably assure the safety of other persons and the community.  
Accordingly, Defendant must be detained pending trial in this matter.

The present order supplements the Court's findings and order at the detention hearing and  
serves as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1).

United States District Court  
Northern District of California

1 As noted on the record, the Court makes the following findings as a basis for its conclusion that no  
2 condition or combination of conditions will reasonably assure the safety of other persons and the  
3 community as to defendant Smith. Defendant has a lengthy criminal record. The facts regarding  
4 the current charges indicate that during a search of Defendant's residence police officers found in  
5 the bedroom a loaded firearm and suspected heroin. At that time, Defendant's 12 year old minor  
6 child and an adult female also resided in the residence. These findings are made without prejudice  
7 to the Defendant's right to seek review of his detention should new information arise.

8 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

9       1.     Defendant Smith be, and hereby is, committed to the custody of the Attorney  
10 General for confinement in a corrections facility separate, to the extent practicable, from persons  
11 awaiting or serving sentences or being held in custody pending appeal.

12       2.     Defendant Smith be afforded reasonable opportunity for private consultation with  
13 counsel; and

14       3.     On order of a court of the United States or on request of an attorney for the  
15 government, the person in charge of the corrections facility in which the defendant is confined  
16 shall deliver defendant to an authorized United States marshal for the purpose of any appearance  
17 in connection with a court proceeding.

18       **IT IS SO ORDERED.**

19 Dated: January 23, 2015

20   
21 JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

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